THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 167 of 2006 (S/B)

Dr. Puneet Chandra,
Medical Officer-in-charge,
Primary Health Centre, Addl. P.H.C.,
Dudhli, Dehradun and others ……. Petitioners

Versus

1. State of Uttaranchal through Secretary
Medical, Health and Family Welfare,
Uttaranchal, Dehradun.

2. Director General,
Medical, Health and Family Welfare,
Uttaranchal, Dehradun. …… Respondents

Sri Sudhir Singh, Advocate for the petitioners.
Sri N.C. Gupta, Standing Counsel for the respondents.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C. J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C.J. (Oral)

Sir Sudhir Singh, Advocate for the petitioners.

Sri N.C. Gupta, Standing Counsel for the respondents.

They are heard.

2. The petitioners have filed this writ petition for the following reliefs:

"(i) to issue a writ, order or direction in the nature of mandamus directing the respondents to pay Non-Practicing Allowance to the petitioners on account of the fact that there is a total ban on Private Practice by the Doctors engaged in Government Services.

(ii) to issue any suitable writ, order or direction of any nature which this Hon'ble Court may deem fit and proper in the present circumstances of the case.

(iii) to award the cost of the writ petition in favour of the petitioners."

3. The petitioners have neither annexed copy of any representation made by them to the respondents for the redressal of their grievances projected in the petition nor any such averment has been made in the writ petition.

4. In this view of the matter, the writ petition seeking a writ of mandamus cannot be entertained in view of the mandatory requirement under Article 226 of the Constitution of India.

5. The writ petition, therefore, is liable to be dismissed and is hereby dismissed leaving it open to the petitioners to file another writ petition for the reliefs sought in this writ petition after due compliance of the mandatory requirement under Article 226 of the Constitution of India.

6. With the above order, CLMA No. 6363 of 2006 also stands disposed of.

(J.C.S.Rawat, J.) **(Rajeev Gupta, C.J.)**
14.08.2006 14.08.2006

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